

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 3661  
Examiner : Eric M. Gibson  
Applicant : Soren Eriksson  
Appln. No. : 10/656,513  
Filing Date : September 5, 2003  
Confirmation No. : 8025  
For : ACTUATORS REPORT AVAILABILITIES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

In response to the Notice of Abandonment mailed November 17, 2006, Applicants request reinstatement of the application for no fee.

The Notice of Abandonment states that no response to the Office letter mailed April 20, 2006 was received in the Patent and Trademark Office. Upon reviewing the file, it is apparent that the United States Patent and Trademark Office received the Notice of Appeal and Pre-Appeal Brief Request for Review which was electronically filed on July 19, 2006, but has misplaced the documents. A copy of the patent electronic filing acknowledgment receipt is attached hereto. Accordingly, Applicants are hereby: (1) informing the Office of the previous mailing promptly after becoming aware that the Office has no evidence of receipt of the correspondence, (2) supplying an additional copy of the previously mailed correspondence, and (3) including a Statement that attests on a personal knowledge basis to the previously timely filing.

Applicants hereby request that the attached Notice of Appeal and Pre-Appeal Brief Request for Review be entered and considered by the Patent Office as though it were received on July 19, 2006, as would be the case if it were not misplaced by the Patent Office. If there are any questions concerning this matter, Applicants ask the Examiner to call the undersigned at the number listed below.

Applicant : Deepak Thassu et al.  
Appln. No. : 10/540,453  
Page : 2

Accordingly, Applicants requests reinstatement of the application for no fee.

Respectfully submitted,

November 29, 2006  
Date

MPD/msj

/Marcus P. Dolce/  
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Dear Sir:

STATEMENT UNDER 37 C.F.R. §1.8(b)(3)

This statement is made to attest to my personal knowledge of having electronically filed the enclosed Notice of Appeal and Pre-Appeal Brief Request for Review for the above-captioned application. I am the individual who electronically filed these documents on July 19, 2006 and specifically recall receiving the electronic filing acknowledgement receipt.

I, the undersigned, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of any patent resulting therefrom.

November 29, 2006  
Date

Melanie S. Jernberg  
Melanie S. Jernberg

**Acknowledgement Receipt**

The USPTO has received your submission at **08:27:58** Eastern Time on **19-JUL-2006**.

No fees have been paid for this submission. Please remember to pay any required fees on time to prevent abandonment of your application.

**eFiled Application Information**

EFS ID	1118452
Application Number	10656513
Confirmation Number	8025
Title	Actuators report availabilities
First Named Inventor	Soren Eriksson
Customer Number or Correspondence Address	28415
Filed By	Marcus Dolce/Melanie Jernberg
Attorney Docket Number	202-1416
Filing Date	05-SEP-2003
Receipt Date	19-JUL-2006
Application Type	Utility

**Application Details**

Submitted Files	Page Count	Document Description	File Size	Warnings
FOR370_NoticeofAppeal.pdf	3	Notice of Appeal Filed	81909 bytes	◆ PASS
FOR370_PreAppealBrief.pdf	6	Pre-Brief Conference request	76828 bytes	◆ PASS
fee-info.pdf	2	Fee Worksheet (PTO-875)	8111 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

***If you need help:***

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent e-Filing.
- Send general questions about USPTO programs to the USPTO Contact Center (UCC).
- If you experience technical difficulties or problems with this application, please report them via e-mail

*to Electronic Business Support or call 1 800-786-9199.*

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Dear Sir:

NOTICE OF APPEAL FROM THE PRIMARY  
EXAMINER TO THE BOARD OF PATENT  
APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed April 20, 2006, finally rejecting claims 1-20.

The item(s) checked below are appropriate:

**1. STATUS OF APPLICANT**

This application is on behalf of:

  X   other than a small entity  
     small entity

Verified Statement

     attached  
     previously submitted on

Applicant : Soren Eriksson  
Appln. No. : 10/656,513  
Page : 2

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 35 USC §41(a)(6) the fee for filing the Notice of Appeal is:

<u>      </u>	small entity	\$250.00
<u>  X  </u>	other than a small entity	\$500.00

Notice of Appeal fee due: \$500.00

**3. EXTENSION OF TIME**

*(complete (a) or (b) as applicable)*

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

- (a)        Applicant petitions for an extension of time under 37 C.F.R. §§41.37(e) for the total number of months checked below:

	<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<u>      </u>	one month	\$120.00	\$60.00
<u>      </u>	two months	\$450.00	\$225.00
<u>      </u>	three months	\$1020.00	\$510.00

Fee: \$

**If an additional extension of time is required please consider this a petition therefor.**

*(check and complete the next item, if applicable)*

- (b)        An extension for        months has already been secured and the fee paid therefor of \$        is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$

**or**

Applicant : Soren Eriksson  
Appln. No. : 10/656,513  
Page : 3

- (b)   X   Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee: \$500.00  
Extension fee (if any): \$0

Total Fee Due: \$500.00

**5. FEE PAYMENT**

       Attached is a check in the sum of \$

  X   Charge Account No. 06-1510 the sum of \$500.00.  
A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

  X   If any additional extension and/or fee is required charge Account No. 06-1510.

**and/or**

  X   If any additional fee for claims is required, charge Account No. 06-1510.

Respectfully submitted,

July 19, 2006  
Date

/Marcus P. Dolce/  
Marcus P. Dolce, Registration No. 46 073  
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Alexandria, Virginia 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to the Final Office Action mailed April 20, 2006, Applicant responds as follows.

The request for review begins on page 2 of this paper.

#### REMARKS

Claims 1-20 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,991,669 to Dominke et al. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of anticipation based upon the prior art. *In re Sun*, 31 U.S.P.Q.2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Applicant respectfully asserts that the Examiner has not yet met his burden of establishing a prima facie case of anticipation with respect to the rejected claims.

The prior art of record does not disclose or suggest the features of claims 1, 8 or 15. Claims 1 and 15 comprise, among other things, a hierarchical control system including an upper hierarchical level and a lower hierarchical level, with the lower hierarchical level communicating to the upper hierarchical level by sending upward signals, wherein the upward signals include availabilities of the lower hierarchical level independent of a request for vehicle modification and the lower hierarchical level is a suspension coordinator subsystem. Claim 8 comprises a vehicle motion control subsystem which outputs downward signals out of the control output to the subsystem input of the suspension coordinator subsystem and a suspension coordinator subsystem which outputs upward signals out of the subsystem output to the control input of the vehicle motion control subsystem, wherein the downward signals include at least one request for vehicle modification and the upward signals include availabilities of the suspension coordinator subsystem independent of the request for vehicle modification.

According to the Office Action, the Dominke et al. '669 patent discloses a suspension coordinator subsystem that sends upward signals including availabilities of the suspension coordinator subsystem and that such a disclosure is described in lines 14-33 of column 4 of the Dominke et al. '669 patent. According to lines 14-33 of column 4 of the Dominke et al. '669 patent, a coordinator asks the sources of the resource as to an available potential. However, the suspension as identified in Fig. 3 of the Dominke et al. '669 patent is not a source of a resource. Therefore, the "coordinator" as disclosed in the Dominke et al. '669 patent does not

receive an upward signal including availabilities of a "suspension." Therefore, claims 1, 8 and 15 are in condition for allowance.

Claim 2 depends from claim 1, claim 9 depends from claim 8, and claim 16 depends from claim 15, and since claims 1, 8 and 15 define unobvious patentable subject matter as discussed above, claims 2, 9 and 16 define patentable subject matter. Furthermore, the Dominke et al. '669 patent does not disclose or suggest upward signals that include availabilities of a mode of operation of a suspension coordinator subsystem. As discussed above, the Dominke et al. '669 patent does not include a suspension coordinator subsystem that communicates availabilities. Accordingly, the Dominke et al. '669 patent does not disclose an upward signal that includes availabilities of a mode of operation of a suspension coordinator subsystem. Accordingly, claims 2, 9 and 16 are in condition for allowance.

The prior art of record does not disclose or suggest the features of claims 3, 10 and 17. Specifically, the Dominke et al. '669 patent does not disclose or suggest upward signals that include a confirmation of a mode of operation. According to the Office Action, the Dominke et al. '669 patent discloses this feature in lines 14-33 of column 4. According to this portion of the Dominke et al. '669 patent, a coordinator either asks a component for its resource requirement or receives the resource requirement from the component. Furthermore, the coordinator either asks a source of a resource as to its available potential or the source of the resource sends its available potential to the coordinator. However, whether receiving a resource requirement from a component or an available potential from a source of a resource, neither of these transmittals includes a confirmation of a mode of operation. Accordingly, the Dominke et al. '669 patent does not disclose or suggest in the portion cited in the Office Action both a downward signal that includes a request for a mode of operation and an upward signal that includes a confirmation of the mode of operation. Accordingly, claims 3, 10 and 17 are in condition for allowance.

The prior art of record does not disclose or suggest the above noted features of claims 4, 11 and 18. Specifically, the Dominke et al. '669 patent does not disclose or suggest upward signals that include a confirmation of enablement. According to the Office Action, the Dominke et al. '669 patent discloses this feature in lines 14-33 of column 4. According to this

portion of the Dominke et al. '669 patent, a coordinator either asks a component for its resource requirement or receives the resource requirement from the component. Furthermore, the coordinator either asks a source of a resource as to its available potential or the source of the resource sends its available potential to the coordinator. However, whether receiving a resource requirement from a component or an available potential from a source of a resource, neither of these transmittals includes a confirmation of enablement. Accordingly, the Dominke et al. '669 patent does not disclose or suggest in the portion cited in the Office Action both a downward signal that includes a request for enablement and an upward signal that includes a confirmation of enablement. Accordingly, claims 4, 11 and 18 are in condition for allowance.

The prior art of record does not disclose or suggest the features of claims 5 and 12. Specifically, the prior art of record does not disclose or suggest a hierarchical control system including an upper hierarchical level and a lower hierarchical level, the upper hierarchical level communicating with the lower hierarchical level by sending downward signals and the lower hierarchical level communicating with the upper hierarchical level by sending upward signals, wherein the downward signals include vehicle state measurements of the vehicle. According to the Office Action, the Dominke et al. '669 patent includes an upper hierarchical level 100, lower hierarchical levels 106, 108, 120, 122 and 124, and "signals of vehicle measurements available to both levels (110, 112, 126, 128; fig. 1)." However, the Dominke et al. '669 patent does not disclose or suggest an upper hierarchical level communicating to a lower hierarchical level by sending downward signals that include vehicle state measurements of the vehicle. The master controller 100 in the Dominke et al. '669 patent does not send any signals including vehicle state measurements of the vehicle as set forth in the Office Action because information from elements 110, 112, 126 and 128 does not come from the controller 100. Accordingly, the Dominke et al. '669 patent does not disclose or suggest an upper hierarchical level that communicates vehicle state measurements as set forth in the Office Action. Accordingly, claims 5 and 12 are in condition for allowance.

The prior art of record does not disclose or suggest the features of claims 6, 13 and 19. Specifically, the prior art of record does not disclose or suggest a hierarchical control system including an upper hierarchical level and a lower hierarchical level, the upper hierarchical

level communicating with the lower hierarchical level by sending downward signals and the lower hierarchical level communicating with the upper hierarchical level by sending upward signals, wherein the upward signals include vehicle state measurements of actuators controlled by the lower hierarchical level. According to the Office Action, the Dominke et al. '669 patent includes an upper hierarchical level 100, lower hierarchical levels 106, 108, 120, 122 and 124, and "signals of vehicle measurements available to both levels (110, 112, 126, 128; fig. 1)." However, the Dominke et al. '669 patent does not disclose or suggest a lower hierarchical level communicating to an upper hierarchical level by sending upward signals that include vehicle state measurements of the vehicle. The master controller 100 in the Dominke et al. '669 patent does not receive any signals including vehicle state measurements of actuators controlled by the lower hierarchical level as set forth in the Office Action because information from elements 110, 112, 126 and 128 does not come from the apparatuses 106, 108, 120, 122 or 124. Accordingly, the Dominke et al. '669 patent does not disclose or suggest a lower hierarchical level that communicates vehicle state measurements as set forth in the Office Action. Accordingly, claims 6, 13 and 19 are in condition for allowance.

The prior art of record does not disclose or suggest the features of claims 7, 14 and 20. Specifically, the Dominke et al. '669 patent does not disclose or suggest upward signals that include a status of the lower hierarchical level. According to the Office Action, the Dominke et al. '669 patent discloses this feature in lines 14-33 of column 4. According to this portion of the Dominke et al. '669 patent, a coordinator either asks a component for its resource requirement or receives the resource requirement from the component. Furthermore, the coordinator either asks a source of a resource as to its available potential or the source of the resource sends its available potential to the coordinator. However, whether receiving a resource requirement from a component or an available potential from a source of a resource, neither of these transmittals includes a status of the lower hierarchical level. Accordingly, the Dominke et al. '669 patent does not disclose or suggest in the portion cited in the Office

Applicant : Soren Eriksson  
Appln. No. : 10/656,513  
Page : 6

Action an upward signal that includes a status of the lower hierarchical level. Accordingly, claims 7, 14 and 20 are in condition for allowance.

Respectfully submitted,

July 19, 2006  
\_\_\_\_\_  
Date

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\_\_\_\_\_  
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